



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,177	09/10/2004	Michael Maurice Butler	038665.55374US	4396

23911 7590 03/04/2008  
CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

PHULIC, DANIEL T

ART UNIT

PAPER NUMBER

3662

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/507,177

**Applicant(s)**

BUTLER, MICHAEL MAURICE

**Examiner**

DAN PIHULIC

**Art Unit**

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 20040910

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-25, 27-30 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by WO0109562. The WO0109562 reference discloses the utilization of an apparatus for reducing electromagnetic radiation reflected from at least one object in the direction of at least one electromagnetic radiation receiver (Threat Direction), the apparatus comprising an array (11 and 12), provided between each object (14b) and receiver, of at least one substantially reflective panel (11 and 12), each panel arranged such that the array reflects and disperses incident electromagnetic radiation away from each receiver (see Figure 2 and the Abstract) as recited in claims 11 and 36.

With regards to claim 12, the WO0109562 reference discloses attaching the panels (11 and 12) to an outer surface of the object (14b).

With regards to claims 13 and 20, the WO0109562 reference discloses the utilization of panels that reflect radar (see the Abstract and Figure 2).

With regards to claims 14, 21, 27 and 32, the WO0109562 reference discloses the utilization of absorbing material (see page 2, lines 3-4).

With regards to claims 15, 22, 28 and 32, the WO0109562 reference discloses the utilization of planar panels 11 and 12 (see the Abstract and Figure 3).

With regards to claims 16, 23, 29 and 34, the WO0109562 reference discloses the utilization of curved panels (see page 3, lines 22-24; and page 4, lines 26-27).

With regards to claims 17, 24, 30 and 35, the WO0109562 reference discloses the utilization of irregularly shaped panels (see page 3, lines 31-32).

With regards to claims 18, 19 and 25, the WO0109562 reference discloses the utilization of facets (see page 4, lines 3-5).

4. Claims 11-15, 17-22, 24, 25, 27, 28, 30, 32, 33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by US5250950. The US5250950 reference discloses the utilization of an apparatus for reducing electromagnetic radiation reflected from at least one object in the direction of at least one electromagnetic radiation receiver (Threat Direction), the apparatus comprising an array (56, 58, 62, 70, 74 ...), provided between each object (a vehicle's super structure) and receiver, of at least one substantially reflective panel (56, 58, 62, 70, 74 ...), each panel arranged such that the array reflects and disperses incident electromagnetic radiation away from each receiver (see the Abstract) as recited in claims 11 and 36.

With regards to claim 12, the US5250950 reference discloses attaching the panels (11 and 12) to an outer surface of the object (see Figure 1).

With regards to claims 13 and 20, the US5250950 reference discloses the utilization of panels that reflect radar (see the Abstract).

With regards to claims 14, 21, 27 and 32, the US5250950 reference discloses the utilization of absorbing material (see column 1, line 65 to column 2, line 1).

With regards to claims 15, 22, 28 and 32, the US5250950 reference discloses the utilization of planar panels 11 and 12 (see the Abstract and Figure 1).

With regards to claims 17, 24, 30 and 35, the US5250950 reference discloses the utilization of irregularly shaped panels (see Figure 1).

With regards to claims 18, 19 and 25, the US5250950 reference discloses the utilization of facets (see the Abstract).

5. Claims 26 and 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The US5250950 and WO0109562 references disclose the utilization of absorbing coating and do not disclose the utilization of reflective coatings.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday and every other Monday and Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/DAN PIHULIC/  
Primary Examiner, Art Unit 3662**